

DEPARTMENT OF THE ARMY
US ARMY COMMAND AND GENERAL STAFF COLLEGE
FORT LEAVENWORTH, KS 66027-1352

CGSC BULLETIN
NO. 12*

23 June 2003

**COMMAND AND GENERAL STAFF COLLEGE (CGSC) ACADEMIC PERFORMANCE
INVESTIGATIONS, ACADEMIC MISCONDUCT INVESTIGATIONS, GRADUATION
BOARDS, AND STUDENT DISMISSAL/RELEASE PROCEDURES**

(Effective Until Rescinded or Superseded)

1. **PURPOSE.** This bulletin establishes policy for academic performance investigations, academic misconduct investigations, graduation boards, and student dismissal and release procedures for the Command and General Staff College (CGSC).
2. **APPLICABILITY.** This bulletin applies to all schools and courses within the CGSC.
3. **REFERENCES.**
 - a. AR 12-15, Joint Security Assistance Training (JSAT), 5 June 2000.
 - b. AR 15-6, Procedure for Investigating Officers and Boards of Officers, 30 September 1996.
 - c. AR 25-400-2, The Modern Army Record-keeping System (MARKS), 1 October 2001.
 - d. AR 350-1, Army Training and Education, 9 April 2003.
 - e. AR 600-9, The Army Weight Control Program, 10 June 1987.
 - f. AR 600-37, Unfavorable Information, 19 December 1986.
 - g. CGSC Bulletin No. 3, CGSC Student Evaluation, Graduation, and Awards Policy, 9 August 1994.
 - h. CGSC Bulletin No. 20, Academic Ethics, 23 June 2003.
 - i. CAS3 Bulletin No. 5, Plagiarism and Academic Ethics, 1 March 2003.
 - j. CGSC Circular 350-3, United States Army Command and General Staff College Nonresident Catalog, October 2002.

*This bulletin supersedes CGSC Bulletin No. 12, dated 15 July 2002.

4. GENERAL.

a. This bulletin is the basis for conducting academic performance or misconduct investigations, convening graduation boards, and managing student dismissal and release procedures. Information is generic in nature and is not all-inclusive.

b. For administrative purposes, this bulletin is divided into three sections:

(1) Section I—Resident Academic Performance and Academic Misconduct Investigations and Graduation Boards.

(2) Section II—Nonresident Academic Performance and Academic Misconduct Investigations.

(3) Section III—Student Dismissal and Release Procedures.

5. PROPONENT. The proponent for this bulletin is the Office of the Registrar. Send comments and suggested improvements to Commandant, U.S. Army Command and General Staff College, 1 Reynolds Avenue, ATTN: ATZL-SWS-R, Fort Leavenworth, Kansas 66027-1352.

Section I.

**RESIDENT ACADEMIC PERFORMANCE AND ACADEMIC MISCONDUCT
INVESTIGATIONS AND GRADUATION BOARDS**

1. GENERAL.

a. Academic performance investigations, academic misconduct investigations, and graduation boards are advisory in nature and are used to determine the facts and make recommendations for disposition to the Commandant per AR 350-1, paragraph 3-18. As designated in this Bulletin, the Commandant is the final decision authority and is neither bound nor limited by the findings or recommendations of an investigation or board (AR 15-6, paragraph 2-3a). The following matters are those more commonly referred for academic performance or academic misconduct investigations:

(1) Substandard academic progress.

(2) Lack of motivation.

(3) Poor attitude.

(4) Academic ethics violations as defined in CGSC Bulletin No. 20.

b. The investigation should address whether the student's overall record warrants dismissal from the course. In making a recommendation for disposition based on the factual findings regarding the specific allegations, the investigating officer may include information regarding the student's overall record for use by the Deputy Commandant in making recommendations or the Commandant in making a final decision.

c. If the same investigating officer is appointed to investigate allegations involving more than one student, the investigating officer shall provide separate findings and a recommendation for each student

based on the evidence concerning that specific student's involvement in the alleged substandard academic performance or academic misconduct.

2. INFORMAL INVESTIGATIONS FOR SUBSTANDARD ACADEMIC PERFORMANCE.

a. Academic performance investigations will be conducted in accordance with AR 15-6. Informal procedures will be used, unless the appointing authority specifically directs formal proceedings under AR 15-6, Chapter 5.

b. The Dean of Academics, U.S. Army Command and General Staff College (CGSC) will be the appointing authority for all academic performance investigations and will appoint the investigating officer in writing. As the appointing authority and before forwarding the completed investigation to the Deputy Commandant, the Dean of Academics may, and ordinarily should, refer the investigating officer's report to the applicable school director for appropriate analysis and comment. Notwithstanding the foregoing, the Deputy Commandant may withhold investigative authority at his level in a specific instance or case and direct an investigation under AR 15-6.

c. Informal investigation duties have priority over all other duties of the investigating officer.

d. The investigating officer must be a lieutenant colonel (LTC) or above and senior to the student accused of substandard academic performance and/or academic misconduct.

e. The investigating officer must contact an administrative law attorney from the Office of the Staff Judge Advocate for legal advice prior to starting the investigation.

f. Academic standards for the Resident Command and General Staff Officer Course (CGSOC):

(1) A course grade of "C" is considered marginal and may result in remedial work to improve current performance. The Academic Counselor/Evaluator (ACE) will notify and counsel a student who receives a "C." The ACE will then closely monitor the student's progress and grades. The department director (senior ACE) will monitor the student's progress through instructor contact, CGSC Form 1002, and personal observation. The Registrar will monitor grades through the Student Management System (SMS).

(2) If a student receives two course grades of "C," the Senior ACE notifies the student, the student's ACE, and the Sister Service Element, if applicable, and provides the student with a counseling statement. The student is placed on academic probation, with the terms of probation clearly defined in the counseling statement.

(3) Any department director may recommend to the Dean of Academics that an academic investigation be conducted for any student who demonstrates substandard academic performance. Receipt of a third "C" in any course results in an investigation of the student's academic performance directed by the Dean of Academics.

(4) If a student receives a course grade of "U" (unsatisfactory), the department director will forward a memorandum to the Dean of Academics (and the appropriate Sister Service Element, if applicable), recommending whether an informal investigation should be initiated. Any course grade of "U" automatically places a student on academic probation, and requires at a minimum a counseling statement similar to paragraph 2f(2) above that clearly defines the terms of the probation.

(5) If during or after the first academic probation a student receives a subsequent course grade of “C” or “U,” then an investigation into his or her academic performance shall be initiated to gather facts and make recommendations regarding a possible dismissal action.

(6) Upon appointment, gathering of facts, and a finding of academic failure (student receives a grade of “U” or has not shown “improvement”), the investigating officer may recommend:

(a) A remediation program for the student to be developed by the department in which the failing grade was obtained and reviewed by the Directorate of Academic Operations. The “U” remains on the student’s transcript after completion of the remediation. If the student fails to successfully remediate (at least a grade of “C”) and after compliance with paragraph 2i below, the student may be declared a nongraduate and dismissed from the course with no opportunity to complete by any means.

(b) Dismissal from the course with no opportunity to complete the course by any means.

(c) Dismissal from the course with the opportunity to re-enroll.

(d) Any less severe action deemed appropriate.

(7) The investigating officer will also make one of the following recommendations for the Graduation Board’s consideration on what entries should be made on the student’s Academic Evaluation Report (AER) in Block #13 (Performance Summary):

(a) 13b—Achieved Course Standards.

(b) 13c—Marginally Achieved Course Standards.

(c) 13d—Failed to Achieve Course Standards.

(8) The investigating officer will further make one of the following recommendations for the Graduation Board’s consideration on what entries should be made on the student’s AER in Block #15 (Has the student demonstrated the academic potential for selection to higher level schooling/training?):

(a) Yes.

(b) No.

g. The School of Advanced Military Studies (SAMS). Any seminar leader may recommend to the Director, SAMS, that an investigation for substandard academic performance be conducted for any student in the Advanced Military Studies Program (AMSP) or Advanced Operational Arts Studies Fellowship (AOASF) Program who demonstrates substandard academic performance. The Director, SAMS will forward the recommendation to the Dean of Academics for action. The seminar leader will monitor the student’s progress.

h. The Combined Arms and Services Staff School (CAS3). Although students are not given formal grades during CAS3, and they do not receive an Academic Evaluation Report based on their performance at CAS3, the school maintains an academic standard that all students are required to meet. This academic standard is *improvement*. Students who do not demonstrate improvement are considered marginal and

subject to an investigation for substandard academic performance. Upon appointment, gathering of facts, and a finding of academic failure (student receives a grade of “U” or has not shown “improvement”), the investigating officer may recommend the same actions as in paragraph 2f(6) above.

i. Before a decision is made to dismiss a student from a course for substandard academic performance, the student will be notified in writing of the proposed dismissal, provided a copy of the findings and recommendations of the investigation together with the supporting evidence on which the proposed dismissal is based, and provided a reasonable opportunity [seven (7) duty days] to reply in writing and submit relevant rebuttal material. Before the appointing authority forwards the investigation to the final decision authority, the appointing authority will ensure compliance with this process, that the student had an opportunity to comment, and that the Staff Judge Advocate (SJA) Office has reviewed for legal sufficiency. The final decision authority will review and evaluate the student’s response (if one is submitted), the report of investigation, and the SJA’s review and recommendations, before deciding whether to dismiss a student for substandard academic performance.

j. In any instance where an investigation is conducted, the appointing authority must forward the complete report of investigation (to include the findings, recommendations, supporting documents, and any student’s comments) through the Deputy Commandant to the Commandant as the final decision authority.

3. INFORMAL INVESTIGATIONS FOR ACADEMIC MISCONDUCT PURSUANT TO AR 15-6.

a. The Dean of Academics, CGSC, will be the appointing authority for all academic misconduct investigations and will appoint the investigating officer in writing. As the appointing authority and before forwarding the completed investigation to the Deputy Commandant, the Dean of Academics may, and ordinarily should, refer the investigating officer’s report to the applicable school director for appropriate analysis and comment. Notwithstanding the foregoing, the Deputy Commandant may withhold investigative authority at his level in a specific instance or case and direct an investigation under AR 15-6.

b. The Directors of the School of Command Preparation (SCP), SAMS, CAS3, or the appropriate teaching department will submit requests to the Dean of Academics for appointment of an investigating officer to investigate allegations of academic misconduct. The appointing authority shall forward all reports of investigation through the Deputy Commandant to the Commandant. The Deputy Commandant will make a recommendation and forward the report of investigation to the Commandant for final decision.

(1) Academic misconduct investigations will be conducted in accordance with AR 15-6. Informal procedures will be used, unless the appointing authority specifically directs formal proceedings under AR 15-6, Chapter 5. The investigating officer will use DA Form 1574 (Report of Proceedings by Investigating Officer/Board of Officers) to document his or her investigation.

(2) The investigating officer must be a Lieutenant Colonel (LTC) or above and senior to the student accused of academic misconduct.

(3) Informal investigation duties have priority over all other duties of the investigating officer.

(4) The investigating officer must contact an administrative law attorney from the Office of the Staff Judge Advocate (OSJA) for legal advice prior to starting the investigation.

(5) The investigating officer will make specific findings of fact and a recommendation for each student concerned. At a minimum, the investigating officer will make a specific written finding regarding whether the academic misconduct did or did not occur. Upon a finding that academic misconduct did not occur, the investigating officer will make an appropriate recommendation. Upon a finding of academic misconduct, the investigating officer may recommend:

- (a) Dismissal from the course with no opportunity to complete the course by any means.
- (b) Dismissal from the course with the opportunity to re-enroll.
- (c) Initiation of a General Officer Memorandum of Reprimand (GOMOR) signed by the Deputy Commandant, or Commandant as appropriate, with recommended filing instructions.
- (d) Any less severe action deemed appropriate.

(6) The investigating officer will consult with a legal advisor from the Office of the Staff Judge Advocate on the findings and recommendations and complete the investigation within 15 days from appointment. Any request for extension must be approved by the appointing authority in writing.

(7) After completing the investigation and obtaining legal advice, the investigating officer regardless of his or her recommendations will provide the student a copy of the investigation including his or her proposed findings and recommendation(s) and notify the student in writing of the following: the Commandant is the final decision authority regarding dismissal and is not bound or limited by the investigating officer's findings and recommendations, academic misconduct is a potential basis for dismissal, if dismissed the student may not have any future opportunity to complete the course, and the student may consult with counsel and submit comments or matters through the investigating officer to the Commandant within seven (7) duty days. The investigating officer will obtain the student's written acknowledgement that the student received the written notification and a copy of the investigation. The written acknowledgement will reflect whether any matters are being submitted and will be attached to the investigation. The student has seven (7) duty days to submit any additional statements, matters, or evidence to the investigating officer for consideration.

(8) After receiving from the student any information that is being submitted within the time period or determining that the student is not submitting any information, the investigating officer will finalize his or her report of investigation. The investigating officer may:

- (a) Modify his/her findings and recommendation (if the investigating officer decides to amend or modify any finding or recommendation, then a copy of the modified findings and recommendation must be provided to the student) and forward the investigation packet to the Staff Judge Advocate for final legal review, or
- (b) Attach the student's additional information or documents that were submitted and forward the investigation packet without modification to the Staff Judge Advocate for final legal review.

(9) The Staff Judge Advocate Office will conduct a final written legal review and forward the investigation packet to the appointing authority.

(10) The appointing authority will take action on the investigation to insure it is thorough, accurate, and complete and will indicate his or her concurrence or nonconcurrence with the investigating officer's findings and recommendations. Specifically, the appointing authority will accomplish this by completing Section VIII of DA Form 1574 (Report of Proceedings by Investigating Officer/Board of Officers). The appointing authority's action does not constitute final action regarding disposition of a student's case. After completing these steps in the process, the appointing authority must forward the complete report of investigation through the Deputy Commandant to the Commandant for final decision and action.

c. A student suspected of an academic misconduct has the right to:

(1) Consult with legal counsel. This counsel may be military or civilian. Military counsel for resident course officers may be obtained from the Trial Defense Services (TDS), 684-1860, Fort Leavenworth, Kansas, if reasonably available. The student may retain civilian counsel at no expense to the Government.

(2) Receive notice of the proposed adverse action and a copy of that part of the findings and recommendations of the report of investigation with the supporting evidence on which the proposed adverse action is based.

(3) Have a reasonable opportunity to reply in writing and submit relevant written rebuttal material to the investigating officer including: his/her own written statement, written statements of witnesses on his/her behalf, or any other relevant documentary evidence that the student wants considered. Seven (7) duty days constitutes a reasonable opportunity. However, before elapse of the seven duty days, the student may submit a request for extension of time with justification to the investigating officer. The appointing authority may grant a specific extension of time to reply.

d. The standard of proof to justify an adverse finding by the investigating officer is "preponderance of the evidence." This means that the investigating officer's findings must be supported by a greater weight of evidence than the evidence that supports a contrary conclusion. The weight of the evidence is not determined by the number of witnesses or volume of exhibits, but by considering all of the evidence and evaluating such factors as the conduct/manner of each witness, opportunity and conditions for observation, personal knowledge, information possessed, ability to recall and relate events, and other indications of veracity.

e. The investigating officer will make specific findings of fact and a recommendation. At a minimum, the investigating officer will make a specific written finding regarding whether the academic misconduct did or did not occur, and an accompanying recommendation for disposition (see paragraph 3b(5) above for options).

f. Final decision and approval authority.

(1) Final decision authority and authority to dismiss US students from a course rests with the Commandant.

(2) Final decision authority and authority to dismiss an international officer students from a course rests with the Commander, US Army Training and Doctrine Command (TRADOC). (See AR 12-15, paras 2-16 and 10-36).

(3) The Commandant may delegate final decision and approval authority for all recommended actions other than dismissal to the Deputy Commandant.

g. The Deputy Commandant or Commandant, as applicable, is not bound nor limited by the findings or recommendations of the investigating officer or any action or recommendation of the appointing authority. The Deputy Commandant or Commandant may direct any final disposition that is sufficiently supported by the evidence, even if such final action is less favorable than that recommended with regard to a student by the investigating officer or appointing authority (AR 15-6, paragraph 2-3a).

4. **RECORD MAINTENANCE:** The CGSC Registrar is responsible for maintaining all informal investigation documents to include the initial investigation, supporting evidence, student's rebuttal, final decision, and any documentation pertaining to a particular investigation or dismissal action in accordance with AR 25-400-2.

5. **GRADUATION BOARDS FOR RESIDENT CGSOC.** A Graduation Board will be convened for both the CGSOC Reserve Component Course and CGSOC Regular Course 1 to 3 days before graduation. AR 15-6 does not establish or control the procedures for Graduation Boards.

a. The purpose of the Graduation Board is to:

(1) Certify students for graduation. A student who receives a third "C" or a "U" during the last few weeks of class will not be considered for certification for graduation until an informal investigation into the substandard academic performance is conducted. Upon completion of the informal investigation, the appointing authority will consider the findings and recommendations and may direct the student to execute remediation to correct the substandard academic performance. The appointing authority will identify a supervisor or appropriate director to monitor the remediation and designate a date for completion of the remediation. The identified supervisor or appropriate director will certify to the Dean of Academics when successful remediation has been completed. The Graduation Board will then consider whether to certify the student for graduation. The Dean of Academics and the Deputy Commandant approve graduation status.

(2) Certify students as recipients of the Master of Military Art and Science (MMAS) Degree in the Regular Course.

(3) Select the top students in the course:

- (a) Pershing Award for the top Reserve Component student.
- (b) Marshall Award for the top US student.
- (c) Eisenhower Award for the top international student.

(4) Review the records of students who have been the subject of an investigation for substandard academic performance or academic misconduct. Students who have successfully completed required remediation will be certified for graduation; however, the Graduation Board will recommend to the Deputy Commandant the appropriate entries on those students' Academic Evaluation Reports (AERs) for Block 13 (Performance Summary) and Block 15 (Has student demonstrated the academic potential for selection to higher level schooling/training?). Students who fail to successfully complete their assigned

remediation may be declared nongraduates. The Graduation Board's recommendations are subject to approval by the Deputy Commandant or the Commandant, as appropriate.

(5) Review the records of students who may have been charged with academic or nonacademic misconduct to determine graduation status.

(6) Review the record of any student whose ACE feels the individual should receive a rating other than "Achieved Course Standards" or an "unsat" rating on his/her AER. The ACE, through the Senior ACE (department director), will submit a documentation packet to the Registrar at least 2 days before the Board convenes.

(7) Students may submit matters of extenuation/mitigation for consideration by the Graduation Board. Any student receiving a "U" grade will normally receive an adverse AER (Marginally achieved course standards in block 13, NO in block 15, and limited potential in Block 16). The Graduation Board may request that any individuals with knowledge of the situation appear before the Board. This normally will occur when the record does not present a complete picture and the Board requests additional information or clarification. AR 15-6 is not applicable to the Graduation Board.

b. The CGSOC Graduation Board consists of the following—

(1) Voting members:

Dean of Academics -- Board President.
Director, Directorate of Student Affairs.
All CGSOC Teaching Department Directors.
Director, Reserve Component Programs, USAR.
Director, Reserve Component Programs, ARNG.
Director, Graduate Degree Program (Regular Course only).
Directors/Chiefs of Sister Services Elements (Regular Course only).

(2) Nonvoting members:

CGSC Registrar as the recorder.
Administrative personnel to include a reporter.

Section II.

NONRESIDENT ACADEMIC PERFORMANCE AND ACADEMIC MISCONDUCT INVESTIGATIONS

1. GENERAL.

a. Academic performance investigations, academic misconduct investigations, and graduation boards are advisory in nature and are used to determine the facts and make recommendations for disposition to the Commandant per AR 350-1, paragraph 3-18. As designated in this Bulletin, the Commandant is the final decision authority and is neither bound nor limited by the findings or recommendations of an investigation or board (AR 15-6, paragraph 2-3a). An investigating officer, appointing authority, the Professional Development Education (PDE) Brigade Commander, or Division Institutional Training (DIV (IT)) Commander shall not take any action purporting to be final action or binding upon the Deputy Commandant or Commandant. The following matters are those more commonly referred for academic performance or academic misconduct investigations:

- (1) Substandard academic progress.
- (2) Lack of motivation.
- (3) Poor attitude.
- (4) Academic ethics violations as defined in CGSC Bulletin No. 20.

b. The investigation should address whether the student's overall record warrants dismissal from the course. In making a recommendation for disposition based on the factual findings regarding the specific allegations, the investigating officer may include information regarding the student's overall record for use by the Deputy Commandant in making recommendations or the Commandant in making a final decision.

c. If the same investigating officer is appointed to investigate allegations involving more than one student, the investigating officer will provide separate findings and a recommendation for each student based on the evidence concerning that specific student's involvement in the alleged substandard academic performance or academic misconduct.

2. INVESTIGATIONS FOR SUBSTANDARD ACADEMIC PERFORMANCE PURSUANT TO AR 15-6.

a. The Command and General Staff Officer Course (CGSOC).

(1) Academic performance investigations will be conducted in accordance with AR 15-6. Informal procedures will be used unless the appointing authority specifically directs formal proceedings under AR 15-6, Chapter 5.

(2) The Professional Development Education (PDE) Brigade Commander will be the appointing authority for all academic performance investigations and will appoint the investigating officer in writing for nonresident (The Army School System (TASS) CGSOC/CAS3 Battalions) students. Notwithstanding

the foregoing, the Commander, Division Institutional Training, or the Deputy Commandant, CGSC, may exercise their authority to appoint an investigating officer and direct an investigation in a specific instance or case.

(3) PDE Brigade Commander will contact the Division Institutional Training (DIV (IT)) Staff Judge Advocate for assistance in developing the appointment memorandum for an investigating officer. The PDE Brigade Commander will also ensure that a legal advisor is available for the investigating officer and identify the legal advisor in the appointment memorandum.

(4) The investigating officer must be a lieutenant colonel (LTC) or above, and senior to the student accused of substandard academic performance. Informal investigation duties have priority over all other duties of the investigating officer.

(5) The CGSOC nonresident grading policies are covered in CGSC Circular 350-3.

(6) PDE Brigade Commanders will inform the student's chain of command that an investigation for substandard academic performance has been initiated.

(7) Upon appointment, gathering of facts, and a finding of academic failure (student receives a grade of "U" or has not shown "improvement"), the investigating officer, to the extent consistent with CGSC Circular 350-3, may recommend the following:

- (a) A remediation program for the student.
- (b) Dismissal from the course with no opportunity to complete the course by any means.
- (c) Dismissal from the course with the opportunity to re-enroll.
- (d) Any less severe action deemed appropriate.

(8) Before a decision is made to dismiss a student from a course for substandard academic performance, the student will be notified in writing of the proposed dismissal, provided a copy of the findings and recommendations of the investigation together with the supporting evidence on which the proposed dismissal is based, and provided a reasonable opportunity [seven (7) duty days] to reply in writing and submit relevant rebuttal material. Before the appointing authority forwards the investigation to the final decision authority, the appointing authority will ensure compliance with this process, that the student had an opportunity to comment, and that the Staff Judge Advocate (SJA) Office has reviewed for legal sufficiency. The final decision authority will review and evaluate the student's response (if one is submitted), the report of investigation, and the SJA's review and recommendations, before deciding whether to dismiss a student for substandard academic performance.

(9) In any instance where an investigation is conducted, the appointing authority must forward the complete report of investigation (to include the findings, recommendations, supporting documents, and any student's comments) through the Deputy Commandant to the Commandant as the final decision authority. Guidelines for applicable processing times are specified in paragraph 3h below.

b. The Combined Arms and Services Staff School (CAS3). Although students are not given formal grades during CAS3, and they do not receive an Academic Evaluation Report based on their performance

at CAS3, the school maintains an academic standard that all students are required to meet. This academic standard is *improvement*. Students who do *not* demonstrate improvement are considered marginal and subject to an investigation into their substandard academic performance.

c. Upon appointment, gathering of facts, and a finding of academic failure (student receives a grade of “U” or has not shown “improvement”), the investigating officer’s may make recommendations similar to paragraph 2a(7) above. The investigating officer’s recommendation(s) must be in concert with the policy outlined in CGSC Circular 350-3.

3. NONRESIDENT ACADEMIC MISCONDUCT INFORMAL INVESTIGATION.

a. The PDE Brigade Commander has the authority to appoint investigating officers for academic misconduct for nonresident (TASS CGSOC/CAS3 Battalions) students. The PDE Brigade Commander appoints the investigating officer in writing in accordance with AR 15-6 and with assistance from the DIV (IT) SJA Office. Notwithstanding the foregoing, the Commander, DIV (IT), or the Deputy Commandant, CGSC, may exercise their authority to appoint an investigating officer and direct an investigation in a specific instance or case. The appointing authority will also ensure that a legal advisor is available for the investigating officer and identify the legal advisor in the appointment memorandum.

(1) Academic misconduct investigations will be conducted in accordance with AR 15-6. Informal procedures will be used, unless the appointing authority specifically directs formal proceedings under AR 15-6, Chapter 5. The investigating officer will use DA Form 1574 (Report of Proceedings by Investigating Officer/Board of Officers) to document his or her investigation.

(2) The investigating officer must be a lieutenant colonel (LTC) or above and senior to the student accused of academic misconduct.

(3) Investigation duties will have priority over all other duties of the investigating officer.

(4) The investigating officer must contact an administrative law attorney from the servicing Staff Judge Advocate Office for legal advice prior to starting the investigation.

(5) The investigating officer will make specific findings of fact and a recommendation for each student concerned. At a minimum, the investigating officer will make a specific written finding regarding whether the academic misconduct did or did not occur. Upon a finding that academic misconduct did not occur, the investigating officer will make an appropriate recommendation. Upon a finding of academic misconduct, the investigating officer may recommend:

(a) Dismissal from the course with no opportunity to complete the course by any means.

(b) Dismissal from the course with the opportunity to re-enroll.

(c) Initiation of a General Officer Memorandum of Reprimand (GOMOR) signed by the Deputy Commandant, or Commandant as appropriate, with recommended filing instructions.

(d) Any less severe action deemed appropriate.

b. The standard of proof to justify an adverse finding by the investigating officer is “preponderance of the evidence.” This means that the investigating officer’s findings must be supported by a greater

weight of evidence than the evidence that supports a contrary conclusion. The weight of the evidence is not determined by the number of witnesses or volume of exhibits, but by considering all of the evidence and evaluating such factors as the conduct/manner of the witness, opportunity and conditions for observation, personal knowledge, information possessed, ability to recall and relate events, and other indications of veracity.

c. A student suspected of an academic misconduct violation has the right to:

(1) Consult with legal counsel. This counsel may be military or civilian. Military counsel for resident course officers may be obtained from the servicing Trial Defense Services (TDS), if reasonably available. The student may retain civilian counsel at no expense to the U.S. Government.

(2) Receive notice of the proposed adverse action and a copy of that part of the findings and recommendations of the report of investigation with the supporting evidence on which the proposed adverse action is based.

(3) Have a reasonable opportunity to reply in writing and submit relevant written rebuttal material to the investigating officer including: his/her own written statement, written statements of witnesses on his/her behalf, or any other relevant documentary evidence that the student wants considered. The appointing authority will decide what period of time constitutes a reasonable opportunity under the circumstances. The student may submit a request for extension of time with justification through the investigating officer to the appointing authority. The appointing authority may grant a specific extension of time to reply.

d. After the investigating officer gathers the relevant facts, he or she will prepare the findings and recommendations based on the facts (investigating officer should obtain legal advice from the servicing legal advisor in preparing the findings and recommendations). After obtaining legal advice and completing the investigation, the investigating officer regardless of his or her recommendations will provide the student a copy of the investigation including his or her proposed findings and recommendation(s) and notify the student in writing of the following: the Commandant, CGSC, is the final decision authority regarding dismissal and is not bound or limited by the investigating officer's findings and recommendations, academic misconduct is a potential basis for dismissal, if dismissed the student may not have any future opportunity to complete the course, and the student may consult with counsel and submit comments or matters through the investigating officer to the Commandant within thirty (30) calendar days. The investigating officer will obtain the student's written acknowledgement that the student received the written notification and a copy of the investigation or mail the written notification and copy of the investigation by certified mail. The written acknowledgement will reflect whether any matters are being submitted. The written acknowledgement or return receipt by certified mail will be attached to the investigation. The student has thirty (30) calendar days from receipt to submit any additional statements, matters, or evidence to the investigating officer for consideration. The student must submit any request for extension of the 30-day time period to the appointing authority in writing and obtain approval before expiration of the time to submit matters.

e. After receiving from the student any information that is being submitted within the time period or documenting that the student did not submit any information, the investigating officer shall finalize his or her report of investigation. The investigating officer may:

(1) Modify his or her findings and recommendation if determined appropriate (if the investigating officer decides to amend or modify any finding or recommendation, then a copy of the modified findings and recommendation must be provided to the student), attach the student's additional information or documents, and forward the complete investigation to the servicing Staff Judge Advocate for legal review; or

(2) Attach the student's additional information or documents (if any) and forward the complete investigation without modification to the servicing Staff Judge Advocate for legal review.

f. The servicing Staff Judge Advocate Office will conduct a written legal review, attach the review to the report of investigation, and forward the investigation to the appointing authority.

g. The appointing authority will take action on the investigation to ensure it is thorough, accurate, and complete and will indicate his or her concurrence or nonconcurrence with the investigating officer's findings and recommendations. Specifically, the appointing authority will accomplish this by completing Section VIII of DA Form 1574 (Report of Proceedings by Investigating Officer/Board of Officers). The appointing authority's action does not constitute final action regarding disposition of a student's case. The appointing authority must forward the report of investigation through the DIV (IT) Commander to the Deputy Commandant, CGSC.

h. Processing Times.

(1) Unless the appointing authority approves delay in writing, the investigating officer will deliver a completed investigation to the appointing authority no later than 120 days after receipt of his or her appointment memorandum. This in no way limits the appointing authority's discretion to require shorter processing time as appropriate.

(2) The appointing authority will submit a completed investigation through the DIV (IT) Commander for delivery to the Deputy Commandant, CGSC, not later than 150 days after the investigating officer received his or her appointment memorandum. The Deputy Commandant will be notified in writing of any investigation that potentially may exceed this guideline of a total of 150 days. Only the Deputy Commandant, CGSC, may approve delay in excess of these guidelines.

(3) These processing times are guidelines for commanders and their staffs and do not create any substantive right for the student. Failure to process an allegation of substandard academic performance or academic misconduct within these guidelines will not prevent or preclude appropriate favorable or adverse action involving the student. Shorter processing times are encouraged. The purpose is to have additional oversight for any investigation requiring time in excess of these guidelines.

i. Final decision and approval authority.

(1) Final decision authority and authority to dismiss US students from a course rests with the Commandant.

(2) Final decision authority and authority to dismiss an international officer students from a course rests with the Commander, US Army Training and Doctrine Command (TRADOC). (See AR 12-15, paragraphs 2-16 and 10-36).

(3) The Commandant may delegate final decision and approval authority for all other recommended actions to the Deputy Commandant.

j. The Deputy Commandant or Commandant, as applicable, is not bound nor limited by the findings or recommendations of the investigating officer or any action or recommendation of the appointing authority. The Deputy Commandant or Commandant may direct any final disposition that is sufficiently supported by the evidence, even if such final action is less favorable than that recommended with regard to a student by the investigating officer or appointing authority (AR 15-6, paragraph 2-3a).

4. **RECORD MAINTENANCE:** The CGSC Registrar is responsible for maintaining all informal investigation documents to include the initial investigation, final decision, rebuttals/appeals, and any documentation pertaining to a particular investigation or dismissal action in accordance with AR 25-400-2.

Section III.

STUDENT DISMISSAL AND RELEASE PROCEDURES

1. **GENERAL.** For the purpose of this bulletin, the following definitions apply:

- a. Dismissal—removal from the course for adverse or derogatory actions.
- b. Release—relieved from the course through no fault of the student.

2. **DISMISSAL.**

a. Students may be dismissed under a variety of adverse or derogatory circumstances. In all cases adversely affecting a student, the complete action will be reviewed by the SJA for legal sufficiency. The right of the individual to due process will be provided in accord with this Bulletin. Students being considered for dismissal must be counseled by the chain of command in accordance with AR 350-1, paragraph 3-18d. The student(s) involved may obtain legal advice which will be provided by the TDS counsel (at Fort Leavenworth for resident students), if reasonably available, or by civilian counsel obtained by the student at no expense to the U.S. Government. An informal investigation in accord with AR 15-6 is not required in every instance, prior to releasing or dismissing a student from a course.

b. An academic performance or academic misconduct investigation is not required in the following situations.

(1) Regulatory requirements. Failure to meet regulatory requirements for physical fitness and weight standards. Determination of failure to meet these standards will be made by the applicable director in accordance with the provisions of AR 351-1, AR 350-41, and AR 600-9. Sister Service students must meet the requirements of their respective service regulations. International officers are not required to participate in physical training (PT) programs or pass physical fitness tests as a requirement for graduation in accordance with AR 12-15, paragraph 10-30.

(2) Misconduct not related to academic misconduct may lead to a student's dismissal. These cases may occur as a result of actions while a CGSC student or as a result of actions prior to arrival. Each case must be examined on its merits to determine if dismissal without an academic performance or

academic misconduct investigation is appropriate. The consideration may include, but is not limited to, whether other regulations provide adequate due process safeguards (notice to the individual, opportunity to respond), whether appointing an academic performance or academic misconduct investigation will only serve to duplicate findings of fact, or whether undisputed documentary evidence is available to a fact finder (sworn statement or confession). Actions resulting in a court-martial, nonjudicial punishment, civil conviction, or actions already investigated in accordance with AR15-6 or other investigations (i.e., by military police investigators or the U.S. Army Criminal Investigation Command) which substantiates misconduct or which result in voluntary withdrawal for cause (conduct or academic) will not normally require an academic performance or academic misconduct investigation.

c. In such cases as outlined in paragraph 2b(2) above, the Dean of Students and Administration will document all the facts in writing to include attaching any documented investigation. The Dean of Students and Administration will notify the student in writing of the proposed action, the basis for the action, the consequences of dismissal, and the right to appeal to the Commandant. The Dean of Students and Administration will inform the student of two mandatory requirements: (1) the student must acknowledge receipt of this written notification of dismissal within two (2) duty days and state whether the student desires to appeal and submit matters to the Commandant, and (2) the student must submit any appeal and matters to the Commandant within seven (7) duty days of the receipt of the original written notification of dismissal. The Dean of Students and Administration will forward the complete packet through the Deputy Commandant to the CAC SJA for a legal sufficiency review. After the SJA review, the complete packet will be forwarded to the Commandant for final decision on dismissal. The Commandant will in writing notify the student of the action taken and any options with regard to course completion. The student will acknowledge receipt by signing and dating a copy of the memorandum of notification. The completed action and final decision will be provided to the Registrar for filing and distribution.

d. Dismissal of ARNG personnel on full-time training duty (FTTD) and USAR personnel on initial duty for training (IADT), active duty for training (ADT), and Active Guard/Reserve (AGR) tours will be coordinated with the Chief, National Guard Bureau or the Chief, Army Reserve, as appropriate.

e. For USAR and ARNG students, the Registrar will provide notification of the action to the student's unit or State AG, and provide a copy of the board's findings and recommendation to the individual's record maintenance facility (AR-PERSCOM or National Guard Bureau and the State Army National Guard Military Personnel Office) as applicable.

3. **RELEASE.** Students may be released for medical, compassionate or emergency situations (based on medical channel action), parent command request, or voluntary early retirement. For Resident CGSC students, the appropriate school director or Dean of Students and Administration will verify the circumstances and expedite consideration of the student's release under the provisions listed below.

a. School Directors will approve or disapprove an extended absence (where the student is not being released and will return from the absence to complete the course) of a student under compassionate or emergency situations. The situation requires full documentation of the situation to prevent or clarify future problems. Further, School Directors will approve or disapprove any request for early release of a student attending a course in a temporary duty status (e.g., CAS3). Only the Deputy Commandant or Commandant will approve or disapprove the early release of a student attending a course as regularly and locally assigned personnel (e.g., SAMS).

b. If the student's absence is of such a duration that it is detrimental to course completion and/or warrants consideration for release, the director concerned will document the situation in a memorandum addressed through the Dean of Academics and Deputy Commandant to the Commandant with a recommendation for disposition. If authority to release has been delegated to the Deputy Commandant, the memorandum will go directly to the Deputy Commandant. This memorandum will have as an enclosure a memorandum addressed to the student providing the reason(s) for the release and the recommended means of completing the course (if appropriate). Should a means for completing the course be denied in the memorandum of notification, the student will be given the opportunity to rebut the action. In either situation, the student will acknowledge receipt of the memorandum of notification by signing and dating a copy of the memorandum. The documented package, with student acknowledgment of receipt, will be forwarded to the CGSC Registrar for filing.

4. **AUTHORITY.**

a. The Commandant is the final approving authority for dismissal or release of US students from CGSC courses.

b. The Commanding General, TRADOC is final authority for dismissal or release of international officer students (see AR 12-15, paras 2-16 and 10-36).

c. Director, Army National Guard or Chief, Army Reserve, as appropriate, will be notified of dismissal of ARNG or USAR personnel.

signed
JAMES C. RILEY
Lieutenant General, USA
Commandant

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